

**STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS**

ORDER

Application 28996, Permit 20753

**ORDER APPROVING A NEW DEVELOPMENT SCHEDULE
AND AMENDING THE PERMIT**

WHEREAS:

1. Permit 20753 was issued to County of San Bernardino and Chino Basin Watermaster Public Works Group on August 10, 1994.
2. A petition for an extension of time within which to develop the project and apply the water to the proposed use was filed with the State Water Resources Control Board (SWRCB) on December 6, 1999.
3. The permittee has proceeded with diligence and good cause has been shown for extension of time. Public notice of the request for extension of time was issued on April 14, 2000 and no protests were received.
4. The SWRCB has determined that the petition for extension of time does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
5. Fish, wildlife, and plant species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act. A term should be placed in the permit making the permittee aware of possible obligations resulting from these acts.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 8 of the permit be amended to read:

Complete application of the water to the authorized use shall be made by December 31, 2010.
(0000008)

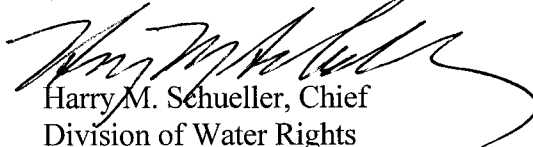
2. An endangered Species term shall be added to read as follows:

This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(0000014)

Dated: JUL 28 2000

STATE WATER RESOURCES CONTROL BOARD


Harry M. Schueller, Chief
Division of Water Rights

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STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20753

Application 28996 of County of San Bernardino and Chino Basin Watermaster

Public Works Group, 825 East Third Street, San Bernardino, CA 92415-0835

filed on April 9, 1987, has been approved by the State Water Resources Control Board
SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

(1)(2)(3)&(4) East Etiwanda Creek (aka

East Etiwanda Canyon)

Santa Ana River

(5)(6)(7)(8)(9)&(10) San Sevaine Creek

(aka San Sevaine Canyon)

Santa Ana River

(11) Unnamed Stream (aka Hawker-Crawford

Channel)

San Sevaine Creek thence

Santa Ana River

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
SEE ADDENDUM					

County of San Bernardino

ADDENDUM

Application 28996

Permit 20753

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
By California Coordinate System, Zone 5					
(1) Etiwanda Debris Dam and Basin North 243,775 feet and East 2,146,550 feet	SE $\frac{1}{4}$ of SW $\frac{1}{4}$	16	1N	6W	SB
(2) To Etiwanda Spreading Grounds North 240,625 feet and East 2,147,375 feet	SW $\frac{1}{4}$ of NE $\frac{1}{4}$	21	1N	6W	SB
(3) To Etiwanda Spreading Grounds North 236,975 feet and East 2,149,750 feet	NE $\frac{1}{4}$ of NE $\frac{1}{4}$	28	1N	6W	SB
(4) To Lower San Sevaine Retention Basin North 234,000 feet and East 2,150,200 feet	NW $\frac{1}{4}$ of SW $\frac{1}{4}$	27	1N	6W	SB
(5) San Sevaine Debris Dam & Basin; to San Savaine Spreading Grounds and San Savaine Basins North 243,850 feet and East 2,155,450 feet	NW $\frac{1}{4}$ of SW $\frac{1}{4}$	14	1N	6W	SB
(6) Lower San Sevaine Retention Basin North 232,900 feet and East 2,150,650 feet	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	27	1N	6W	SB
(7) To Victoria Basin North 230,425 feet and East 2,150,550 feet	SW $\frac{1}{4}$ of NW $\frac{1}{4}$	34	1N	6W	SB
(8) To Hickory Basin North 216,150 feet and East 2,143,250 feet	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	9	1S	6W	SB
(9) Hickory Basin North 215,900 feet and East 2,147,550 feet	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	9	1S	6W	SB
(10) To Jurupa Basin North 201,625 feet and East 2,147,150 feet	NW $\frac{1}{4}$ of SE $\frac{1}{4}$	28	1S	6W	SB
(11) Rich Basin North 240,050 feet and East 2,158,200 feet	SW $\frac{1}{4}$ of NE $\frac{1}{4}$	23	1N	6W	SB

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
Irrigation	The service area of					
Municipal	the San Sevaine					
Industrial	Creek Water Project					
	within T3S to T1N					
	and R5W to R9W					
	inclusive, SBB&M					

The place of use is shown on map on file with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 27,000 acre-feet per annum to be collected to underground storage at a maximum rate of 261 cubic feet per second from October 1 of each year to May 1 of the succeeding year as follows:

Etiwanda Spreading Grounds	21 cubic feet per second	
Lower San Sevaine Retention Basin	117 cubic feet per second	
San Servaine Spreading Grounds and Basins	40 cubic feet per second	
Victoria Basin	28 cubic feet per second	
Hickory Basin	20 cubic feet per second	
Jurupa Basin	28 cubic feet per second	
Rich Basin	7 cubic feet per second	(0000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Construction work shall be completed by December 31, 1997 (0000008)

8. Complete application of the water to the authorized use shall be made by December 31, 1998. (0000009)

9. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a license is issued. (0000010)

10. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

11. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

12. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the state Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1)adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2)the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

13. Rights under this permit are, and shall be, specifically subject to existing rights determined by the judgement in Chino Basin Municipal Water District v. City of Chino, Superior Court, San Bernardino County, No. 164327, and the stipulated judgement in Orange County Water District v. City of Chino case No. 117628, insofar as said adjudicated rights are maintained.

(0000023)

14. Prior to diversion of water under this permit, permittee shall (1) install devices to measure the quantities of water placed into underground storage and (2) install devices to measure or provide documentation of the method to be used to determine the quantity of water recovered from underground storage and placed to beneficial use. All measuring devices and the method of determining the quantity of water recovered from underground storage shall be approved by the State Water Resources Control Board prior to diversion of water under this permit. All measuring devices shall be properly maintained.

(0080117)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: AUGUST 10 1994

STATE WATER RESOURCES CONTROL BOARD

Roger Johnson
Chief, Division of Water Rights